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10/528,788	03/23/2005	Sylvain-Victor Nahum	90500-000047/US	6290

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

EXAMINER
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SCHWARTZ, DARREN B

ART UNIT	PAPER NUMBER
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4193

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,788	<b>Applicant(s)</b> NAHUM ET AL.	
	<b>Examiner</b> DARREN B. SCHWARTZ	<b>Art Unit</b> 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03-23-05</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: the word “centre” should be changed to “center” (see, for example, page 1, line 12).

Appropriate correction is required.

### *Claim Objections*

2. Claims 1, 4, 6, 8, 9 and 13-18 are objected to because of the following informalities: the word “centre” should be changed to “center.” Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation “a module for the management of access rights to this data, **these modules** being physically different.” It is unclear as to what modules are physically separate from one another. There is insufficient antecedent basis for this limitation in the claim.
5. Any claim not specifically addressed above is being rejected as incorporating the deficiencies of a claim upon which it depends.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Saito (U.S. Pat 5794115 A) hereinafter referred to as Saito.

Re claim 1: Conditional access data decryption system, this system comprising:

- a diffusion center [Fig 1, elt 21: CATV CENTER] arranged to diffuse data encrypted by at least one control word (col 2, lines 61-66)
- at least one management center [CHARING CENTER] arranged to diffuse personal messages related to the management of access means to encrypted data (Fig 2: col 3, lines 23-26),
- an operating device [Fig 2: TV, VTR] intended to render usable said encrypted data (col 3, lines 38-48), and a decoder [RECEIVING DEVICE (TUNER/DECODER)] arranged to decrypt at least one part of the encrypted data, placed between the diffusion center and the operating device () and comprising
- the decoder [Fig 1, elt 15; Fig 1, elt 23 or Fig 2: RECEIVING DEVICE (TUNER/DECODER)] comprises a module for the reception and decryption of encrypted data (col 1, lines 34-35),

- the reception module [TUNER/DECODER] receives the encrypted data originating from the diffusion center via a first communication line (Fig 2, elt "SCRAMBLED TV PROGRAM" transmitted on elt "RADIO WAVE OR CABLE"), and the management module receives the personal messages [viewing permit code] through the management center via a second communication line (Fig 2, elt "VIEWING PERMIT CODE" transmitted on elt "PUBLIC TELEPHONE LINE" different from elt "RADIO WAVE OR CABLE"), and wherein the management module comprises data pertaining to the management centers with which these modules are authorized to communicate (col 4, lines 33-42).

- a module [DATA COMMUNICATING DEVICE] for the management of access rights to this data (col 4, lines 33-42), these modules being physically different, the reception module [TUNER/DECODER] being connected to the operating device [TV, VTR] and the management module being arranged to communicate with the reception module (Fig 2, all elts)

- the management module including a security module comprising a unique identification number and data allowing securing the connection between said management center and the security module (col 1, lines 36-41), the security module being arranged to verify the content of the personal messages and to allow or prevent the decryption of the control-word(s) according to the content of the personal messages (col 7, lines 11-25).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marconcini et al (U.S. Pat 6834110 B1), hereinafter referred to as Marconcini, in view of Ginter et al (U.S. Pat 5982891 A), hereinafter referred to as Ginter.

Re claim 1: Marconcini teaches a conditional access data decryption system, this system comprising:

- a diffusion center [Fig 1D, elt 111 & Fig 6, elt 111: Content Hosting Site(s)] arranged to diffuse data encrypted by at least one control word (col 19, lines 55-56; col 20, lines 51-56; Fig 1D; col 21, line 65 – col 22, line 3)

- at least one management center [Fig 1C, elt 105 & Fig 6, elt 105: Clearinghouse(s)] arranged to diffuse personal messages related to the management of access means to encrypted data (col 10, lines 6-13; col 13, lines 16-26),

- an operating device [Fig 1D: elt 195 & Fig 18, elt 1806] intended to render usable said encrypted data (col 5, lines 4-5), and a decoder [Fig 1D: elt 195; Fig 18, elts 109 & 1804] arranged to decrypt at least one part of the encrypted data, placed between the diffusion center and the operating device (col 5, lines 5-6; col 80, lines 14-21, col 14, lines 26-33) and comprising

- the decoder [Fig 1D, elt 195 & Fig 10, elt 195: player application] comprises a module for the reception and decryption of encrypted data (Fig 1D, elt 195 & Fig 10, elt 195; col 82, lines 5-29),

- the reception module [Fig 10, elt 192: SC(s) Processor] receives the encrypted data originating from the diffusion center via a first communication line [Fig 6, elt 608] (col 26, lines 50-65; col 83, lines 28-38), and the management module receives the personal messages [License SC(s)] through the management center via a second communication line [Fig 6, elt 606] (col 26, lines 44-46), and wherein the management module [Fig 1D: elt 192 or 195 specifically, "COPY/PLAY CONTROL, WATERMARKING, DECRYPTION, DECODING] comprises data [watermark] pertaining to the management centers with which these modules are authorized to communicate (col 10, lines 36-66).

- a module for the management of access rights to this data [Fig 1D: elts 193 & 195 specifically, "COPY/PLAY CONTROL, WATERMARKING, DECRYPTION, DECODING] (col 10, lines 36-38 & lines 46-48; col 26, lines 14-17; col 83, lines 33-38),

- the management module [Fig 1D: elts 195 specifically, "COPY/PLAY CONTROL, WATERMARKING, DECRYPTION, DECODING] including a security module comprising a unique identification number [unique application ID] and data [software] allowing securing the connection between said management center and the security module (Fig 6, elt 606; col 26, lines 44-47), the security module being arranged to verify the content of the personal messages [License SC(s)] and to allow or prevent the decryption of the control-word(s) [keys] according to the content of the personal

messages [License SC(s)] (Fig 4; col 17, lines 34-40; col 18: step 408, 409, 414, 416-418; col 30, lines 12-24).

However, Marconcini does not teach:

these modules being physically different, the reception module being connected to the operating device and the management module being arranged to communicate with the reception module.

Ginter teaches:

these modules being physically different (Figs 5 & 7), the reception module [SPU 500; col 20, lines 59-67] being connected to the operating device [Fig 7, elt 600: electronic appliance] and the management module [Fig 7, elt 604: VDE RIGHTS AND AUDITING OPERATING SYSTEM] being arranged to communicate with the reception module (Fig 7, elts 500, 600 [which includes 614,612,613 etc] and 604 can communicate as demonstrated by the arrows)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Marconcini reference to physically separate the components of Marconcini, as taught by Ginter, for the purpose of separating processes so that they can be performed simultaneously and therefore enhancing the adaptabilities.

Re claim 2: The combination of Marconcini and Ginter teaches the communication between the reception module and the management module is a communication by waves (Ginter: Fig 7: col 61, lines 10-21, specifically the “small portable pages” or “desktop radios”).



Re claim 3: The combination of Marconcini and Ginter teaches the rights management module is a mobile telephone (Ginter: col 61, line 58 – col 62, line 10; col 63, lines 26-30).

Re claim 4: The combination of Marconcini and Ginter teaches the security module includes identification functions necessary for telephony (col 96, lines 6-10) and at least one storage area pertaining to a management center [Digital Content], this area comprising the security parameters for reception of the authorization messages of said management center (col 2, lines 29-35; col 9, lines 35-41; col 10, lines 53-62).

Re claims 5, 13 and 17: The combination of Marconcini and Ginter teaches the diffusion center [Marconcini: Content Hosting Device] is arranged to diffuse control messages comprising the control-word(s) (Marconcini: col 20, lines 51-55 teaches the Content provider can reside at the Clearinghouse(s), ergo, the functionality of the Clearinghouse(s) can be part of the Content provider; Fig 2: col 17, col 41-45) and wherein the personal messages [usage conditions] broadcasted by the management center [Clearinghouse] correspond to an authorization message (Fig 6, elts 606 & 660; col 26, lines 42-44 and lines 52-54).

Re claims 6, 14, 16 and 18: The combination of Marconcini and Ginter teaches the wherein the management center [Marconcini: Clearinghouse(s)] is arranged to diffuse personal messages comprising the control-word(s) (Fig 6, elts 606 & 660; col 26, lines 42-44 and lines 52-54), the security module of the management module [Marconcini: Fig 1D: elts 195 specifically, "COPY/PLAY CONTROL, WATERMARKING, DECRYPTION, DECODING] having means for determining if the message is intended

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for said security module and means for transmitting the control word to the reception module [Marconcini: Fig 10, elt 192: SC(s) Processor] (Fig 4, elt 412; col 18, line 65 – col 19, line 3; col 85, lines 34-36). Marconcini teaches the player application must de-scramble the Content 113 before usage (col 23, lines 42-55). It would have been obvious to one of ordinary skill that the control word must be transmitted to the reception module for the purpose of decrypting the protected content.

Re claim 7: The combination of Marconcini and Ginter teaches the reception and decryption module includes a unique decryption key applied to the control word the key serving to encrypt the control-words at the management center before their transmission towards the management module (Fig 2, particularly elt 204, which includes elt 203;, col 17, lines 41-66, particularly lines 46-47).

Re claim 8: The combination of Marconcini and Ginter teaches at least two management centers [Marconcini: Clearinghouse(s)] wherein the security module of the managing module includes security parameters for the reception of the authorization messages originating from different management centers (Fig 6, elts 606 & 660; col 26, lines 42-44 and lines 52-54).

Re claim 9: The combination of Marconcini and Ginter teaches the diffusion center being arranged to transmit descriptive information of the encrypted data (Ginter: Fig 5A, 5B), wherein the data contains indications necessary for the establishment of communication with the management center [Marconcini: Clearinghouse(s)] that is responsible for the authorization of the data, and is transmitted to the management module, the latter being arranged to establish communication with the management

center in question to obtain the authorization message (Marconcini: Fig 10: col 10, lines 6-8; Ginter: col 58, lines 36-64).

Re claims 10 and 19: The combination of Marconcini and Ginter teaches wherein the reception and decryption module is integrated into the operating device (Marconcini: Fig 1D & Fig 10: elt 195).

Re claim 11: The combination of Marconcini and Ginter teaches wherein the reception and decryption module includes standardized communication means with the management module for permitting interaction between a reception and decryption module and a plurality of management modules (Marconcini: Fig 1D, elt 109: the elts of the End User Device(s) communicate with one another; Ginter: Fig 7). Marconcini teaches a management module and Ginter teaches a plurality of VDE aware software, see Ginter: Fig 8, elt 608 contained in secondary storage 652.

Re claims 12 and 20: The combination of Marconcini and Ginter teaches the management module includes means for establishing a matching key [Marconcini: SEAL key] with the reception module the key being intended to encrypt and decrypt at least the control-word(s) transmitted to the management module towards the reception module (Marconcini: col 86, lines 34 – col 87, line 4).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat 5281249 A

U.S. Pat 5917915 A

U.S. Pat 6178242 B1

U.S. Pat 6286103 B1

U.S. Pat 7146631 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARREN B. SCHWARTZ whose telephone number is (571)270-3850. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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DS

/Taghi T. Arani/  
Supervisory Patent Examiner, Art Unit 4193  
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